



CITY OF ATLANTA

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JAMES SHELBY
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STAFF REPORT

April 23, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3-14-086) for revisions to plans for renovations and a rear deck at **636 Lillian Avenue** - Property is zoned C-1 / Adair Park Historic District (Subarea 2).

Applicant: Christopher Yearian
180 Jackson Street

Facts: According to the District inventory sheet this house is considered contributing to the District and was built in 1914. The house has a full width front porch and a front to back combination roof (gabled in front and hipped in back). The some point before the District's designation, the wood-sided house was covered with stucco on at least the side facades, and likely the rear façade as well. The front porch was enclosed with screen wire, but the front porch trim and columns remained. Since the District's designation, the front porch trim and columns have been removed, the sidelights and transom window around the front door have been covered over, and the rear portion of the roof has collapsed.

In November, 2013, the Applicant proposed the following scope of work:

1. Rebuild the collapsed portion of the roof to the same shape and pitch as the previous roof form;
2. Remove all of the stucco from the outside of the house and install cedar siding or cementitious siding on the front gable, and the side and rear facades similar to the remaining wood siding on the front façade;
3. Remove the stucco from the foundation of the house and install a "stacked stone façade";
4. Uncover the sidelights and transom around the front door;
5. Add a front porch railing and split, tapered columns with a stone base;
6. Add a single window unit and double window unit to the right side elevation and slightly shift the existing windows on the left and right side elevations;
7. Remove a set of horizontal, square windows from the left side elevation;
8. Remove two single window units on the rear façade and install a set of French doors onto the deck;
9. Build a deck off of the rear façade; and
10. Install a new concrete driveway on the left side of the house.

The Commission reviewed and approved that scope of work with the following conditions:

1. All the existing roof-related trim shall be retained in placed and repaired in-kind and that any new roof-related trim shall be the same as the existing, retained trim as to design, size, location, reveal, and material, per Section 16-20I.006(4)(f) and (k);
2. The stucco shall be removed from the facades and if any salvageable original or historic siding material remains, such siding shall be retained, repaired in-kind, or selectively replaced in-kind, per Section 16-20I.006(4)(a) and (k);
3. If no salvageable original or historic siding material remains, the new siding material shall be wood similar in size and profile to the original wood siding, per Section 16-20I.006(4)(a) and (k);

4. The stucco shall be removed from the foundation and if any salvageable original or historic foundation materials remain, such materials shall be retained and repaired in-kind, with District compliant infill added as necessary, per Section 16-20I.006(4)(c) and (k);
5. If no salvageable original or historic foundation materials remain, the new foundation material shall meet the District regulations, per Section 16-20I.006(4)(c) and (k);
6. The sidelights and transom around the front door shall be retained in place and repaired in-kind, per Section 16-20I.006(4)(b);
7. The new front porch columns shall match the front porch columns shown in the District inventory photograph as to design, proportion, and materials, per Section 16-20I.006(4)(g);
8. The front porch railing shall include butt jointed pickets and a simple top and bottom rail that is consistent with porches in the block, per Section 16-20I.006(4)(g);
9. The light design of the new windows shall match that of the existing windows with light divisions permanently fixed to the exterior of the glass, per Section 16-20I.006(4)(b);
10. The existing window openings shall remain in their current locations and all existing original or historic window units shall be retained in place and repaired in-kind, per Section 16-20I.006(4)(b);
11. The deck shall be made significantly smaller such that it is not visible from the public street, per Section 16-20I.006(4)(f)(4);
12. The screening and landscape buffer required by the District regulations shall be installed, per Section 16-20I.007(a)(3); and
13. The Staff shall review, and if appropriate approve, the final plans and supporting documentation.

After November, 2013, the Staff received complaints about the renovation work. Upon review of the work under progress, the Staff learned of several issues with the renovations and with several conditions in particular. Before the Commission at this time is a revisions to plans application to request that renovations as have been implemented in the field (but different than those approved with conditions by the Commission in November, 2013, be approved by the Commission.

Analysis: The following code sections apply to this application:

Sec. 16-20.009. - Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

Sec. 16-20I.002. - Scope of regulations.

- (a) The existing zoning map and regulations governing all properties within the Adair Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20I) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20I) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.
- (b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

Sec. 16-20I.005. General regulations.

The following regulations shall apply to all properties within the Adair Park Historic District.

1. The Compatibility Rule: The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."

Sec. 16-20I.006. Specific regulations--Residential Subarea I.

In addition to the general regulations set forth in section 16-20I.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

4. Architectural Standards:

(a) Building facades:

1. All new construction shall conform to the existing building orientation (setbacks) by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distances from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original is preferred; however, aluminum, masonite vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.

(b) Windows and Doors:

1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
2. Original window and door openings shall not be blocked or enclosed, in whole or in part.
3. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
6. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.

7. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of ten (10) percent.
8. New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.
- (c) Foundations:
 1. Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
 2. New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.
 4. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (d) Storm doors, storm windows, shutters and awnings:
- (e) Chimneys:
- (f) Roofs:
 1. Roofing materials shall be of the same size, texture and materials as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 4. Decks, skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations are permitted on roofs of buildings provided they cannot be seen from the public right-of-way.
- (g) Porches:
 1. Architecturally significant porches, steps and stoops shall be retained.
 2. Replacement porches, steps and stoops shall match the original in size, style and materials.
 4. Porches shall contain balustrades, columns and other features consistent with porches in that block.
- (k) Ornaments:
 1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
 2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 3. Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

Sec. 16-20I.007. Specific regulations—Transitional Commercial Subarea II.

- (a) The following regulations shall apply to all properties located within the Transitional Commercial Subarea II. These regulations are intended to mitigate any noxious effects that the commercial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.
 - (1) Development Controls:
 - a. Setbacks: The compatibility rule shall apply only to front yard setbacks. A variance of up to five (5) percent shall be permitted. Other setbacks shall be regulated by the applicable commercial district regulations.
 - b. Bulk Limitations: Floor area ratio shall not exceed an amount equal to one times the net lot area.
 - (2) Maximum Height: The compatibility rule shall apply to the height of all structures, additions and alterations. A variance of up to 10 percent shall be permitted.
 - (3) Screening: In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.
- (b) In addition to the above regulations, all contributing structures in the Transitional Commercial Subarea I shall comply with the following regulations.
 - (1) Certificates of Appropriateness: Certificates of appropriateness within this subarea shall be required as follows:
 - a. When required:
 1. To change the exterior appearance of any portion of a contributing structure within the subarea, when said change can be seen from the public right-of-way;
 2. To make an addition to any contributing structure within the subarea, when said addition can be seen from the public right-of-way; and
 - b. Type required:
 1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).

- (2) Architectural Standards: All contributing structures shall comply with the architectural standards as set out in section 16-201.006(4)a through k.

Given the organization of the Staff's review in November, 2013 and how the Applicant submitted their revisions to plans application, the Staff will assess the revised revonation using the conditions of the November, 2013 review as the organizing structure.

All the existing roof-related trim shall be retained in placed and repaired in-kind and that any new roof-related trim shall be the same as the existing, retained trim as to design, size, location, reveal, and material.

None of the previously existing roof or roof-related trim was retained. According to the Applicant, the roof has been completely rebuilt to the same pitch and design as the previous roof. The Applicant noted in their submission that the as yet un-cut rafter tails will be cut to length prior to the completion of the project. Though it has resulted in a substantial loss of historic fabric, the Staff has no concerns about the rebuilt roof in the same shape and pitch as the previous roof form. The Staff would recommend, however, that all new roof-related trim be the same as the previously existing trim as to design, size, location, reveal, and material.

The stucco shall be removed from the facades and if any salvageable original or historic siding material remains, such siding shall be retained, repaired in-kind, or selectively replaced in-kind. If no salvageable original or historic siding material remains, the new siding material shall be wood similar in size and profile to the original wood siding.

The Staff had no concerns about the removal of the stucco from the facades of the house. However, the Applicant then removed all of the likely wood siding that exited underneath the stucco due deterioration and damage from the application of the stucco. Though the removal of the original wood siding has resulted in a substantial loss of historic fabric, the Staff has no concerns about the installation of the wood siding given that it appears to be the same shape and reveal of the original wood siding found underneath the stucco.

The stucco shall be removed from the foundation and if any salvageable original or historic foundation materials remain, such materials shall be retained and repaired in-kind, with District compliant infill added as necessary.

If no salvageable original or historic foundation materials remain, the new foundation material shall meet the District regulations.

The Staff had no concerns about the removal of the stucco from the foundation. At this time, however, it appears that the Applicant has not removed any of the stucco. In their revised submission they have provided a detailed assessment and inventory of the exiting foundation conditions. The exsting foundation includes original brick piers, original or historic brick curtain walls, cinder block piers, and plywood / stucco infill panels.

In its original review, the Staff did not support the use of any stacked stone or similar contemporary treatments. It appears based on the Applicant's assessment and inventory that there are original or historic sections of the foundation remaining. Therefore, the Staff would recommend that the stucco be removed and all salvageable original or historic foundation materials remain, such materials are retained and repaired in-kind, with District compliant infill added as necessary. The Staff would further recommend that if no salvageable original or historic foundation materials remain, the new foundation material shall meet the District regulations.

The sidelights and transom around the front door shall be retained in place and repaired in-kind.
The Staff had no concerns about the uncovering of the sidelights and transom around the front door. However, the Applicant has completely removed any remaining original or historic elements of the sidelights and transom. The installed replacement side lights and transom (as well as the newly installed front door) do not meet the District regulations as they are not compatible with the house's architectural style and form. The Staff would recommend that the recently installed sidelights, transom, and front door be removed and new sidelights, transom and front door are installed that fit within the original dimensions of each respective element and meet the District regulations.

The new front porch columns shall match the front porch columns shown in the District inventory photograph as to design, proportion, and materials..

The front porch railing shall include butt jointed pickets and a simple top and bottom rail that is consistent with porches in the block.

In its previous review, the Staff concluded that the front porch columns and railing had been removed since the District inventory photograph had been taken. In the District inventory photograph, the columns consisted of wood square upper portions over brick bases. The railing appears to consist of concrete block infill between the brick column bases. No new front porch columns or railing have been installed.

The Staff would recommend that the new front porch columns match the front porch columns shown in the District inventory photograph as to design, proportion, and materials. The Staff would further recommend that the front porch railing includes butt jointed pickets and a simple top and bottom rail that is consistent with porches in the block.

The light design of the new windows shall match that of the existing windows with light divisions permanently fixed to the exterior of the glass.

The existing window openings shall remain in their current locations and all existing original or historic window units shall be retained in place and repaired in-kind.

The Applicant removed all of the previously existing windows on the house and installed one-over-one windows. In their current submission, they note that the window installation is "incomplete" and that they will "affix muntins permanently to the new windows..." before the end of the project. The Staff would note that the removal and disposal of the original or historic windows resulted in a substantial loss of historic fabric on the house.

The Staff would recommend that the Applicant confirm that the existing window openings have been retained in their current locations, all new window openings will be similar to the existing openings, and all new window openings will be appropriately spaced on the elevation. The Staff would further recommend that the light design of the new windows match that of the previously existing windows with light divisions permanently fixed to the exterior of the glass and all new exterior window trim match that of the previously existing window trim.

The deck shall be made significantly smaller such that it is not visible from the public street.

The District regulations allow for decks when they are not visible from a public street. The Applicant has noted in their current submission that the deck has been "greatly diminished" in size and they have conducted a "sight test with temporary pillars to accurately determine that the new deck will not be visible from either side of Lillian Avenue." Some photographs were provided documenting the sight test.

The Staff would recommend that the Applicant provide clearer documentation that the reduced size deck will not be visible from any public street.

The screening and landscape buffer required by the District regulations shall be installed.

The Subarea II regulations require screening and a landscaped buffer between this property and any residential use along the rear lot line. In this case, the rear lot line abuts the side lot line of a residential use, thus the screening and buffering would be required. The Applicant noted that they have not yet installed such screening and buffering. The Staff would recommend that the screening and landscape buffer required by the District regulations be installed.

Staff Recommendation: Based upon the following:

(a) Except as noted above, the proposed work meets the regulations per Section 16-20I.005 and 16-20I.006;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA3-14-086 for revisions to plans for renovations and a rear deck at **636 Lillian Avenue** - Property is zoned C-1 / Adair Park Historic District (Subarea 2), with the following conditions:

1. All new roof-related trim shall be the same as the previously existing trim as to design, size, location, reveal, and material, per Section 16-20I.006(4)(f) and (k);
2. The stucco shall be removed and all salvageable original or historic foundation materials remain, such materials are retained and repaired in-kind, with District compliant infill added as necessary, per Section 16-20I.006(4)(c) and (k);
3. The Staff would further recommend that if no salvageable original or historic foundation materials remain, the new foundation material shall meet the District regulations, per Section 16-20I.006(4)(c) and (k);
4. The recently installed sidelights, transom, and front door shall be removed and new sidelights, transom and front door shall be installed that fit within the original dimensions of each respective element and meet the District regulations per Section 16-20I.006(4)(b);
5. The new front porch columns shall match the front porch columns shown in the District inventory photograph as to design, proportion, and materials, per Section 16-20I.006(4)(g);
6. The front porch railing shall include butt jointed pickets and a simple top and bottom rail that is consistent with porches in the block, per Section 16-20I.006(4)(g);
7. The Applicant shall confirm that the existing window openings have been retained in their current locations, all new window openings shall be similar to the existing openings, and all new window openings shall be appropriately spaced on the elevation, per Section 16-20I.006(4)(b);
8. The light design of the new windows shall match that of the previously existing windows with light divisions permanently fixed to the exterior of the glass and all new exterior window trim shall match that of the previously existing window trim, per Section 16-20I.006(4)(b);
9. The Applicant shall provide clearer documentation that the reduced size deck will not be visible from any public street, per Section 16-20I.006(4)(f)(4);
10. The screening and landscape buffer required by the District regulations shall be installed, per Section 16-20I.007(a0(3); and
11. The Staff shall review, and if appropriate approve, the final plans and supporting documentation.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 23, 2014

Agenda Item: Review and Comment (RC-14-092) for alterations to an accessory structure at **46 Brighton Road**- Property is zoned R-4/ Brookwood Hills Conservation District.

Applicant: Robyn Zurfluh
621 North Avenue

Facts: According to the Brookwood Hills Inventory, the single-family dwelling was built in 1930 and is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20.007(b) of the Atlanta Land Development Code, as amended:

Conservation Districts Exempted: Certificates of appropriateness are not required for Conservation Districts. However, no person shall construct, alter, demolish or move, in whole or in part, any building, structure or site located within a Conservation District until the Commission shall have reviewed the proposed action(s) and made written recommendations regarding any such action to the owner(s) of the property.

Sec. 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's historic or landmark districts, therefore the Commission should refer to Further Standards listed in Chapter 20 of the zoning ordinance, which apply to all locally designated districts and properties.

The Applicant is proposing to replace the existing windows and siding on an accessory structure. While the accessory structure is clearly not original to the site, its date of construction is not clear. The pictures submitted are taken from a distance, therefore the exact condition and details of the windows and siding are not clear. Specifically, Staff cannot tell the approximate age or materials of the existing windows without additional pictures. Staff suggests the Applicant submit pictures that provide a closer view of the windows and siding.

In general, Staff only has concerns regarding the retention of historic materials. If the existing windows and siding are not historic, Staff has no concerns regarding an in-kind replacement. If the existing windows and siding are historic, Staff suggests the materials are repaired and retained if feasible.

Staff recommends the Commission send a letter with comments to the Applicant.



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STAFF REPORT April 23, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-093) for a variance allow accessory outdoor dining within 100 feet of a dwelling & a special exception to maintain zero (0) on-site parking spaces and add outdoor dining at **199 Walker St.** Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Shandon Anderson
63 Mangum St.

Facts: Castleberry Hill, located in the southwest Central Business District, is an area that is significant primarily for its important collection of modest, late 19th and early 20th century commercial, warehouse, and industrial buildings. These buildings range in size from small, one- and two-story retail store fronts to large, single-tenant factories and warehouses. Since the 1980s, many of these buildings have been rehabilitated and converted to loft apartments and condominiums, studios, retail and restaurants, and art galleries.

The one-story commercial structure at 199 Walker Street was built in c. 1931 or earlier as a filling station, replacing Wallace Presbyterian Church. The building is located on the southwest corner of Walker Street and Stonewall Avenue, such that the front and right side elevations have street frontage. To the left of the building is small section of property, then a small (but separate) open space which goes with the adjacent larger, two-story building. There is a small walkway to the rear of the building, behind which is the other portion of the two-story building that is to the left of the subject property.

At the time of designation the building had suffered severe deterioration, including its main flat roof. The mansard roof, side windows, doors, and other ornamentation were missing at the time of designation. If any windows remained, they are boarded up. However, the District inventory includes an earlier photograph (about one year before designation) that does show the mansard roof and eave details.

In 2007, the Commission reviewed and approved with several conditions the renovation of and addition to the building to create a restaurant. The final plans (which met the Commission's conditions) were approved by the Staff in February, 2008. However, a building permit was never acted upon based on the Commission's conditional approval. Between 2008 and 2010, the District regulations have changed to require on-site, off-street parking for eating and drinking establishments, such as restaurants. In late 2010, the Applicant approached the Staff to have the plans re-approved for the issuance of a current building permit. It was at that

time that the Staff determined that the changes to the District regulations would affect the proposed project and advised the Applicant of potential courses of action. The reduction or elimination of on-site parking requirements is done through a special exception request, which in the case of the District, are reviewed by the Commission. The general special exception criteria are found in Chapter 25, but the specific criteria for parking reductions or eliminations are found in Chapter 26 of the Zoning Ordinance.

In 2011, the Commission approved with a condition a special exception request to allow for the elimination of the otherwise required off-street, on-site parking for a then proposed restaurant. No revisions to the original design proposal or any outdoor dining was approved at that time. The condition of the approval of the special exception was:

1. The elimination of on-site, off-street parking requirements is limited to the operation of a restaurant use at 199 Walker Street with a total square footage equal to or less than 1,310 sq. ft. and that the on-site, off-street parking requirements for any other potential use on this property are not reduced or eliminated by this special exception.

At this time, the Applicant is requesting a variance to allow for accessory outdoor dining within 100 ft. of a dwelling and a special exception to maintain the zero (0) off-street, on-site parking spaces with the added outdoor dining. The Applicant is not requesting any changes from the previously approved design.

Analysis: The following code sections apply to this application:

Per Section 16-20N.006. General Regulations.

The following general regulations shall apply to all properties located within the District.

3. Variances, special exceptions, and appeals. Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the commission. The commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16. The commission shall have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The commission shall have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall also apply to the commission's decision.
8. Off-street and off-site parking.
 - (a) All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use shall include the required off-street parking.
 - (b) The number of required off-street parking spaces is set out in each subarea.

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:
 - (d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:
 - i. Eating and drinking establishments.
3. Off-Street Parking Requirements
 - (a) Off-street parking shall not be permitted between the principal building and the public street.
 - (b) Off-street parking may be located in a rear or side yard.
 - (c) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
 - (d) Eating and drinking establishments: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.
 - (e) All other uses: No off-street parking is required.

Sec. 16-20N.009. Additional use regulations.

In addition to the regulations governing permitted uses set forth in this Chapter, or elsewhere in this Code the following regulations shall apply to permitted uses in this district:

1. Eating and drinking establishments. The following supplemental regulations shall apply in Subarea 1 and Subarea 2:
 - (a) No eating and drinking establishment with an alcohol license may be located within 250 feet of another eating and drinking establishment with an alcohol license, including an establishment located outside of the Castleberry Hill Landmark District.
 - (b) Notwithstanding the location of any other premises with an alcohol license, an eating and drinking establishment where sales of alcoholic beverages by the drink constitute less than 50 percent of gross sales may be located within a mixed-use development greater than 10,000 square feet provided that all of the licensed establishments located in such mixed-use development constitute in the aggregate no more than 25 percent of the total square footage of nonresidential floor area in such mixed-use development.
 - (c) Accessory outdoor dining area to any eating and drinking establishment which is otherwise permitted by these regulations may not be located within 100 feet of any dwelling except those located in the same structure;

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Per Section 16-29.001 Application.

13) Floor area:

- (b) Floor area, commercial, business and industrial: For computations involving other than dwellings and lodgings, gross floor area shall be computed as including the sum of the gross horizontal area of the several stories of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings or different uses, including attic space with headroom of seven feet or greater and served by a permanent, fixed stair, but not including basement space, uncovered steps or fire escapes, accessory water or cooling towers, or accessory off-street parking or loading areas.

Variance to allow accessory outdoor dining within 100 feet of a dwelling.

The Applicant provided a variance analysis for this request, with which the Staff partially agrees. The lot is unusually small and irregularly shaped. The lot is smaller than many lots in the District. Further, the Staff agrees that if the lot were larger the outdoor dining could be located more than 100 ft. away from a dwelling unit.

However, the Staff disagrees with several points made by the Applicant. First, the Staff is not aware of a significant hardship suffered by the several successful eating and drinking establishments in the District that do not have outdoor dining space. The Staff finds that an outdoor dining space allows for additional patrons to be served absent without having a larger building with enclosed spaces. The potential for additional revenue (whether from enclosed or un-enclosed space) appears to be an issue not the type of space.

Second, the Staff does think that the outdoor dining could have a substantial detriment to the public good given that the outdoor dining on the south side of the building and on the roof top will be about 20 ft. from the windows of the 205 Walker Street Lofts to the south of the property. The distance requirement from which the Applicant is seeking relief is specifically designed to create buffers between the noise of outdoor dining and dwellings. Reducing this buffer by 4/5 without any mitigation would be a substantial detriment.

Third, the Applicant noted that the outdoor dining would provide “usable outdoor open space, light, and air in an urban district that already suffers from a lack of outdoor gathering spaces”. While the Staff does not doubt that the outdoor dining will allow patrons of the restaurant “usable...outdoor space”, it would not provide any more light or air than what already exists in those spaces. Further, the Staff would not consider outdoor dining

(presumably reserved for patrons of the restaurant) as an “outdoor gather space” in that it is not accessible to the general public. Lastly, the Staff finds that if “outdoor gathering spaces” are lacking then public space should be set aside or provided for that purpose.

Taking all of that into account, the Staff does find that it is possible to have some outdoor dining which would reduce or eliminate the concerns noted above and at the same time achieve some of the goals stated by the Applicant in their variance argument. The Staff would recommend that the outdoor dining on the street level on the south side of the building be eliminated and the outdoor dining on the roof top can be acoustically screened, along the south wall of the building, from the adjacent dwellings with a system that meets the District regulations regarding materials and design.

Special exception to maintain zero (0) on- site parking spaces and add outdoor dining.

The Staff finds that unenclosed and uncovered outdoor dining is not considered part of the floor area of the eating and drinking establishment, per the definition of floor area found in Section 16-20N.007(3)(d). Section 16-29.001(13)(b) does not include outdoor dining as part of the floor area of a building. Further, the Staff would note that in other zoning districts in the City of Atlanta, parking requirements for outdoor dining are often specifically listed in the regulations. No such provision exists in the District.

As such, the Staff finds that the inclusion of unenclosed and uncovered outdoor dining on the site and/or the roof top does not change the amount of parking required. Given this qualifier, thought, the Staff would recommend that none of the outdoor dining spaces approved by the Commission are enclosed or covered in any way either partially or wholly, including any temporary means of any kind.

Staff Recommendations: Based upon the following:

- a) The variance request meets the District regulations and variance criteria, except as noted above, per Section 16-26.003(1); and
- b) The special exception request is not necessary, given the definition of floor area in the District regulations and in other part of the Zoning Ordinance, per Section 16-20N.007(3)(d).

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-093) for a variance allow accessory outdoor dining within 100 feet of a dwelling & a special exception to maintain zero (0) on- site parking spaces and add outdoor dining at **199 Walker St.** Property is zoned Castleberry Hill Landmark District (Subarea 1). – Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The outdoor dining on the street level on the south side of the building shall be eliminated and the outdoor dining on the roof top shall be acoustically screened, along the south wall of the building, from the adjacent dwellings with a system that meets the District regulations regarding materials and design, per Section 16-26.003(1)(d), and
2. None of the outdoor dining spaces approved by the Commission shall be enclosed or covered in any way either partially or wholly, including any temporary means of any kind, per Section 16-20N.007(3)(d); and
3. The Staff shall review, and if appropriate approve, the final plans and specifications for the proposal.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 23, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA2-14-094) for alterations at 351 Grant Street– Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Elizabeth Sears
351 Grant Street

Facts: According to the Grant Park Inventory sheet this single family dwelling built in 1912 is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(2) Certificates of Appropriateness.

(B) Type III Certificates of Appropriateness shall be required for:

2. All major alterations and additions to an existing structure, with respect to any façade that faces a public street.

Per Section 16-20K.007:

(1) *Development Controls.*

(A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

(B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.

(C) *Rear Yard:* Rear yard setback shall be seven feet.

(D) Off-street parking and driveway requirements:

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.

3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity

of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) Design Standards and Criteria for New Principal Structures.

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.

c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited

(D) Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is an interior lot, Staff will make comments on the Grant Street facade.

The Applicant is proposing to replace an existing louver in the attic vent with glass. The existing frame of the attic vent will be retained. The proposed louver replacement is to accommodate additional living space in the attic. Staff finds the installation of glass in the existing attic vent is not only typical, it can easily be undone and does not have a significant negative impact on the historic fabric of the house. Staff has no concerns regarding the proposed alteration.

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type II Certificate of (CA2-14-094) for alterations at **351 Grant Street**– Property is zoned R-5/Grant Park Historic District (Subarea 1).



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STAFF REPORT

April 23, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-095) for renovations and an addition at **393 Sinclair Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: According to the Inman Park survey book, this dwelling built in 1910 is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to all properties located within the Inman Park Historic District.

Section 16-20L.005 General Regulations.

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
 - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.

- vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - c. Compatibility Rule: The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
- 2. Certificates of Appropriateness.
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III Certificates of Appropriateness shall be required for:
 - ii. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
- 6. Tree Preservation and Replacement.
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.
- 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic District.

Section 16-20L.006. Specific Regulations for Inman Park Core District, Subarea 1.

In the Inman Park Core District, Subarea 1, the Commission shall apply the standards referenced in Section 16-20L.005(1)(b) only if the standards set forth below in this Chapter 20L do not specifically address the application:

- 1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
 - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:

- i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.

2. *Setback requirements:*

- b. *New additions to existing structures:* The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

- 6. *Permitted accessory uses and structures:* These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- f. The following regulations shall apply to all permitted accessory uses and structures:
 - i. Except in the case of home occupation, no accessory use shall be of a commercial nature.
 - ii. No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
 - iii. Accessory structures shall not cover more than 25 percent of the rear yard.
 - iv. Accessory structures shall be placed behind the principal structure; side and rear setbacks shall not be less than three feet.
 - v. Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

Site

According to the site plan submitted, this interior lot fronts 50.02’ on Sinclair Avenue and has a depth of 158.13’ on its longest side. Per regulations, the side yard setback of the proposed addition can be no closer to the setbacks than the existing house. Staff finds the proposed porch addition is slightly closer than the existing house and therefore does not meet the side yard setback requirement. Staff recommends the porch addition meet the side yard setback requirement. The rear yard setback requirement is based on the compatibility rule. According to the Applicant, the minimum rear yard

setback allowed 38.5'. The proposed rear yard setback for the porch addition is 64.4' and therefore meets the requirements.

Per regulations the floor area ratio (FAR) can be no more than .50. According to the plans the FAR is .38 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. The existing lot coverage is 63% and therefore exceeds the maximum allowed. The proposed lot coverage is 61.6%. As the proposal will reduce the lot coverage, Staff does not have concerns regarding the proposed lot coverage. As required by the regulations, the HVAC equipment is appropriately screened with vegetation

New Additions and Alterations

The Applicant is proposing to alter an existing rear addition, add a new two story addition and a new rear porch. Given the location of the alterations and additions, Staff finds that only the side facades of the additions will be visible from the public right-of-way. Staff finds the design, materials, fenestration, height and massing of the proposed alterations and additions are consistent and compatible with the existing historic house. As the new addition is inset, Staff finds it will be clearly delineated from the existing house. Staff has no concerns regarding the proposed alterations and additions.

Accessory Structure

The Applicant is proposing to demolish an existing accessory structure and construct a new two-story accessory structure. In this district, the demolition of accessory structures does not require a Type IV Certificate of Appropriateness. Staff has no concerns regarding the proposed demolition. In general, Staff finds the overall design, materials and massing of the proposed accessory structure is appropriate. Staff finds the fenestration, roof form and materials help connect the accessory structure to the principal structure.

Per regulations, the proposed accessory structure shall be no taller than the existing primary structure or more than 25'. Staff finds the height requirement has been met. Per regulations, the side and rear yard setback shall be no less than 3'. Staff finds the setback requirements have been met. Per regulations, the accessory structure shall cover no more than 25% of the rear yard. Staff recommends the Applicant provide documentation the proposed accessory structure will cover no more than 25% of the rear yard. Per regulations, the proposed accessory structure shall have an FAR that does not exceed 30% of the FAR of the principal structures. Staff recommends the Applicant provide documentation the proposed accessory structure meets the FAR requirements.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20L.006, with the exceptions noted above;

Staff recommends approval of the Application for a Type III Certificate of (CA3-14-095) for renovations and an addition at **393 Sinclair Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The porch addition shall meet the side yard setback requirement, per Section 16-20L.006(2)(b);
2. The Applicant shall provide documentation the proposed accessory structure will cover no more than 25% of the rear yard, per Section 16-20L .006(6)(f)(iii);
3. The Applicant shall provide documentation the proposed accessory structure meets the FAR requirement, per Section 16-20L .006(6)(f)(v); and
4. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT

April 23, 2014

Agenda Item: Review and Comment (RC-14-097) for site work at **1053 East Rock Springs Road (Morningside Elementary School)**- Property is zoned R-4.

Applicant: Shannon Skinner
1337 Lanier Boulevard

Facts: Morningside Elementary School is located in the Morningside/Lenox Park Neighborhood in NPU F.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

The Applicant is proposing to install synthetic turf for an existing multi-use field. According to the Applicant, the synthetic turf is proposed because there is poor drainage on the site which causes water to pool on the field. In looking at pictures submitted by the Applicant, it is clear that there are problems with drainage. Staff suggests the Applicant provide information regarding whether there will be any site improvements to correct the drainage issues.

In general, Staff does not have concerns regarding the installation of synthetic turf. Staff finds that it will be durable for a multi-use field and will be easier to maintain than the existing field. Staff finds the synthetic turf field will be an appropriate alteration to the site. The Applicant is proposing to install bonded rubber to replace the existing mulch that is adjacent to the existing basketball court. While natural mulch is often used for playgrounds, there have been many concerns raised regarding its use. Staff does not have a concern regarding replacing the existing mulch with bonded rubber. It is not clear whether the material is a bonded rubber mulch product or something else. Staff suggests the Applicant provide details regarding the bonded rubber product.

The Applicant is proposing to add granite seat walls and decorative benches. In general, Staff does not have a concern regarding the installation of additional seating around the field. The design of the proposed benches and seat walls is not clear. Staff suggests the Applicant provide information regarding the design of the proposed benches and seat walls. The Applicant is proposing to install a concrete curb. Staff does not have a concern regarding the installation of a concrete curb. The Applicant is proposing to install a decorative metal fence. While Staff does not have a general concern regarding the installation of fencing, Staff suggests the Applicant provide information regarding the height and design of the proposed fence. Overall, Staff finds the proposed alterations to the site are highly appropriate.

Staff Recommendation: Staff recommends the Commission deliver its comments at the meeting.



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STAFF REPORT April 23, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-14-098) for a second story addition at **489 Broyles Street** – Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Todd Clear
489 Mead Street

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1908 is considered non-contributing.

In 2010, the reviewed and approved with conditions an application for a Type II Certificate of Appropriateness (HD-09-262) to allow renovations to the front façade and the front porch.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
 - (D) Off-street parking and driveway requirements:
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

(C) *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is a corner lot, Staff will make comments on all street facing facades.

Site

The lot in question fronts 49.97' on Broyles Street and 155.76' on Sydney Street. Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50 of the net lot area. The FAR is indicated as .36 and therefore meets the regulations. Per regulations, setback can match the existing house. Staff finds the setback requirement has been met. In looking at the site plan submitted, a portion of the house on the Sydney Street elevation is built over the property line. Staff would note that the floor plan indicates that the proposed dormer will not cross the property line. Staff has no concerns regarding the location of the proposed dormer. Staff would note that no changes to the lot coverage are proposed.

Alterations

The Applicant is proposing to add a dormer on the Sydney Street elevation to accommodate additional living space. While the narrative indicates the scope of work and the material, Staff finds the elevations lack the aforementioned details. Staff recommends the elevations are revised to reflect all proposed work and materials. According to the narrative, the only alteration that faces a public street is the addition of a gable dormer on the Sydney Street elevation. In general, Staff finds the overall design and massing of the proposed dormer is appropriate. Staff recommends the proposed windows are either true divided lite or simulated divided lite.

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type III Certificate of Appropriateness for a second story addition at **489 Broyles Street** – Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The elevations shall be revised to reflect all proposed work and materials, per Section 16-20K.007(2)(C);
2. The proposed windows shall be either true divided lite or simulated divided lite, per Section 16-20K.007(2)(C); and
3. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT

April 23, 2014

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-14-099) for a revision to plans that increase the height of the house and a variance to increase the height from 28' (previously approved) to 30'4" (proposed) at **37 Waverly Way** – Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Steven Gaynair
84 26th Street

Facts: This lot is currently vacant.

In 2013 the Commission reviewed and approved an Application for Type III Certificates of Appropriateness (CA3-12-260) for variances to allow decrease in the half depth front yard from 22' (required) to 12' (proposed); an increase in the left side yard setback from 22' (required) to 24' (proposed); a decrease in the front yard setback from 20' (required) to 11' (proposed); an increase in the house width from 46' (required) to 48' (proposed) and an increase in the house height from 15' (required) to 25'9" (proposed); to use another block face as a point of comparison under the compatibility rule, with the following conditions:

1. The width variance shall be eliminated from the proposal, per Section 16-20L.005(3); and
2. The height variance shall be eliminated from the proposal, per Section 16-20L.005(3).

The Commission also reviewed and approved an application for a Type III Certificate of Appropriateness (CA3-12-259) for construction of a new residential duplex, with the following conditions:

1. The Applicant shall provide details regarding the FAR calculations, per Section 16-20L.006(4)(v);
2. The Applicant shall provide details regarding the lot coverage calculations, per Section 16-07.008(6);
3. The Applicant shall provide information regarding the topography of the lot;
4. The height of the proposed house shall be no taller than 28' as measured from average grade to the peak of the roof, per Section 16-20L.006(1)(g);
5. The proposed house, including the proposed wraparound porch, shall be no wider than 46', per Section 16-20L.006(1)(g);
6. The porch railing shall be no taller than 30", per Section 16-20L.006(1)(i);
7. The plans shall indicate an appropriate retaining wall material that meets the regulations, per Section 16-10L.006(1)(m);
8. There shall be no significant changes to the topography of then lot;

9. The Applicant shall submit an accurate survey for the project; and
10. Staff shall review and if appropriate, approve the final plans

Analysis: The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. Compatibility Rule: The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. Certificates of Appropriateness.

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- d. Type III Certificates of Appropriateness shall be required for:
 - i. All new principal structures.

6. Tree Preservation and Replacement.

The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

The lot in question is located on a block face that contains only single story houses. As the existing lot is located on a corner and is significantly larger than the other lots on the block face, Staff supported a variance to allow the Applicant to use another block face as a point of comparison. After looking at several blocks, the Applicant chose the Elizabeth Street block face that is located between Waverly and Austin. The maximum height for that block face is 28'. As such, the Commission approved the project with a maximum 28' in height as measured from grade to peak.

Staff would note that the Applicant originally asked for a height variance to increase the height from 15' (required) to 25'9" (proposed). When Staff measured the elevations, it was discovered that the proposed house was actually a few inches taller than 28'. Once the Applicant changed the comparison block face to Elizabeth Street, the variance was eliminated because the maximum height allowed became 28'.

The Applicant is seeking a height variance to increase the height of the proposed house from 28' (previously approved) to 30'4". According to the Applicant, the additional height is needed because the client does not support the design solutions required to meet the height requirement. Staff agrees that the lot is unusual in regards to size, especially in comparison to the other lots on the block face. As such, Staff supported three setback variances. Staff finds that a house that is compatible with the architecture of the historic houses in the district can be built with a height of 28'. Staff finds the Applicant has not proven that it is a hardship to meet the height requirement of 28'. Given the information we have at this time, Staff cannot support the proposed height variance.

Staff Recommendation: Based upon the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would not create an unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Staff recommends denial of an application for a Type III Certificate of Appropriateness (CA3-14-099) for a revision to plans that increase the height of the house and a variance to increase the height from 28' (previously approved) to 30'4" (proposed) at **37 Waverly Way** – Property is zoned R-5/Inman Park Historic District (Subarea 1).



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Commissioner

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Director, Office of Planning

STAFF REPORT April 23, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-100) for a new deck and alterations at **760 Confederate Avenue**- Property is zoned NC-7/Grant Park Historic District (Subarea 1)/Beltline.

Applicant: Philipe Pellerin
744 Hill Street

Facts: According to the Grant Park Inventory this building was constructed in 1927 and is considered contributing.

On August 26, 2009 the Commission approved an Application for a Type III Certificate of Appropriateness (HD-09-147) to allow renovations and additions to an existing building.

On October 13, 2010 the Commission approved an Application for a Type II Certificate of Appropriateness (HD-10-191) to allow a revision to plans.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

Section 16-20K.006 General Regulations.

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(2) *Certificates of Appropriateness.*

a. Type III Certificates of Appropriateness shall be required for:

2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

Section 16-20K.007. Specific Regulations - Residential Subarea I

2. Architectural Standards.

A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new

construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

D. Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

The Commission reviews the facades that face a public street. As this is a corner lot, Staff will comment on the west elevation (Confederate) and the north elevation (Ormewood).

Site Plan

The lot in question fronts 100' on Confederate and has a depth of 90' on Ormewood. Per regulations the side yard setback can follow the existing setback of the historic building. Staff finds the deck addition is no closer to the setback than the existing building. Per regulations, the rear yard setback shall be no less than 7'. Staff finds the rear yard setback requirement has been met. The project does not include any additional heated space. As such, there is no concern regarding the floor area ratio.

Façade Changes

North Elevation

The Applicant is proposing to replace an existing brick wall on the north elevation and put in a new wall that is faced with cementitious siding. While the Applicant submitted several pictures, there were no pictures submitted of the north elevation. Staff cannot determine whether replacement of the wall on the north elevation is warranted. Staff recommends the Applicant provide pictures, documentation and narrative that supports the demolition of the wall on the north elevation. If replacement of the wall on the north elevation is warranted, the new wall shall be brick to match the existing wall.

The Applicant is proposing to remove two small windows on the north elevation and replace them with larger openings and windows. The condition of the existing windows is unknown. Staff recommends the Applicant provide pictures and documentation regarding the existing windows and clarification regarding the request for larger window openings. The Applicant is proposing to remove burglar bars. Staff has no concerns regarding the removal of burglar bars.

The Applicant is proposing to remove existing metal stairs and install a new wood deck and stairs. The proposed deck and stairs are similar to many residential stairs in the district. While the stairs meet the regulations for new construction, Staff finds the wood railing does not reinforce the historic commercial use of the building. Staff recommends the stairs and railing be redesigned to be consistent with commercial building stair and railing systems

West Elevation

The Applicant is proposing to replace all the existing doors with new doors. From the pictures submitted, Staff cannot see all the doors on the west elevation. Two of the doors that can be seen from the pictures do not appear to be original or historic. Staff recommends the Applicant provide additional pictures that show all the existing doors. If the existing doors are not original or historic, Staff has no concerns regarding the proposed door replacement. If the existing doors are original or historic, Staff recommends the doors are repaired and retained. In regards to the new doors, the material details are not clear. Staff recommends the Applicant provide details regarding the proposed new doors.

The Applicant is proposing to install divided lite transoms on the west elevation. In looking at the as-built elevations, some transoms are painted or covered with stucco and some transoms are existing. The condition of the existing transom windows is not clear. Staff recommends the Applicant provide additional pictures and documentation regarding the existing transom windows. Staff recommends that any original or historic windows are repaired and retained. Staff recommends that any transom windows that warrant replacement match the original or historic transom windows in material, design and lite division detail.

Repairs

The Applicant is proposing to patch, repoint masonry and paint. Staff has no concerns with the patching, repointing and painting of the exterior of the building. The Applicant is proposing to repair or replace the existing storefront as needed. Staff recommends the Applicant clarify the extent of the proposed repair or replacement of the existing storefront.

SAP Review

As the underlying zoning is NC-7, an SAP review is required. Staff recommends the Applicant submit an application for SAP review with the Office of Planning. Staff would note that the Applicant must complete the SAP review before final approved plans can be stamped. Staff finds there may be changes necessitated by the required SAP review. Staff recommends any changes necessitated by the required SAP review be reviewed and if appropriate approved by Staff.

Staff Recommendations: Based upon the following:

- 1) The plans meet the regulations, per Section 16-20K.007, with the exceptions noted above;

Staff recommends approval of the Applications for a Type II Certificate of Appropriateness (CA2-14-100) for a new deck and alterations at **760 Confederate Avenue**- Property is zoned NC-7/Grant Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall provide pictures, documentation and narrative that supports the demolition of the wall on the north elevation, per Section 16-20K.007(2)(D);
2. If replacement of the wall on the north elevation is warranted, the new wall shall be brick to match the existing wall, per Section 16-20K.007(2)(D);
3. The Applicant shall provide pictures and documentation regarding the existing windows on the north elevation and clarification regarding the request for larger window openings, per Section 16-20K.007(2)(D);
4. The stairs and railing on the north elevation shall be redesigned to be consistent with commercial building stair and railing systems, per Section 16-20K.007(2)(D);
5. The Applicant shall provide additional pictures that show all the existing doors, per Section 16-20K.007(2)(D);

6. If the existing doors are original or historic, the doors shall be repaired and retained, per Section 16-20K.007(2)(D);
7. The Applicant shall provide details regarding the proposed new doors,, per Section 16-20K.007(2)(D);
8. The Applicant shall provide additional pictures and documentation regarding the existing transom windows , per Section 16-20K.007(2)(D);
9. Any original or historic transom windows are repaired and retained, per Section 16-20K.007(2)(D);
10. Any transom windows that warrant replacement shall match the original or historic transom windows in material, design and lite division detail, per Section 16-20K.007(2)(D);
11. The Applicant shall clarify the extent of the proposed repair or replacement of the existing storefront, per Section 16-20K.007(2)(D); and
12. Any changes necessitated by the required SAP review shall be reviewed and if appropriate approved by Staff.



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STAFF REPORT April 23, 2014

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-14-102) for demolition of an accessory structure, the construction of a new accessory structure, and site work at **848 Springdale Road**– Property is zoned Druid Hills Historic District.

Applicant: Frank Smith
848 Springdale Road

Facts: According to the architectural survey in 2002, this dwelling built in 1917 is contributing.

On February 23, 2005, the Commission reviewed and approved an application for a Type II Certificate of Appropriateness (HD-05-027) to allow renovations to a house.

On January 22, 2014, the Commission reviewed and approved applications for Type III Certificates of Appropriateness (CA3-13-345) for additions and (CA3-13-346) for a variance to reduce the south side yard setback from 25' (required) to 21' (proposed).

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

(1) *Permitted principal uses and structures:*

- a. Single-family dwellings.
- b. Parks, playgrounds and community buildings owned and operated by a governmental agency.

(2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:

- a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
- b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
- c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
- d. Home occupations.

(3) *Minimum lot requirements:*

- a. *Lot width:* Each lot shall have a minimum lot width of 100 feet.
- b. *Lot area:* Each lot shall contain a minimum lot area of 38,000 square feet.

(4) *Lot coverage:* Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.

(5) *Minimum yard requirements:*

- a. Setbacks:
 1. West side of Springdale Road, Ponce de Leon Avenue to city limit:
 - Front yard:* 120 feet.
 - Side yards:* 25 feet.
 - Rear yard:* 50 feet.

Demolition

The Applicant is proposing to demolish the existing garage/guesthouse. According to the documentation the accessory structure has been neglected and altered over the years. Also included in the submittal is a letter from a structural engineer that indicates the accessory structure is not structurally sound and should be demolished. There was no information submitted regarding the feasibility of renovations and additions.

In looking at Sanborn Fire Insurance Maps, the garage/guesthouse existed on the property in the 1930's and is therefore historic. There appears to be a core structure remaining from the original construction, the accessory structure has undergone alterations, though it is not clear exactly when those alterations occurred and/or if that is within the historic time period of the property and District. It is not clear how much of the historic fabric remains.

In other similar cases a Type IV Certificate of Appropriateness has not been required when an existing accessory structure has been significantly altered and no longer retains its historic integrity. Given the information we have at this time, Staff cannot determine how altered the building is. Further Staff is not convinced that there are not solutions to include the historic building as part of a renovation and addition project. Staff recommends the Applicant provide documentation regarding alterations to the existing accessory structure. Staff further recommends the Applicant provide information regarding the remaining historic fabric.

Site

In looking at the City Cadastral map, Staff finds there is a slight discrepancy between the City records and the survey submitted. As a building permit will not be issued until all lot discrepancies are resolved, Staff suggests the Applicant work with the Office of Planning Subdivision Staff to resolve any lot discrepancies.

Per regulations, the side yard setback shall be no less than 25'. Staff finds the side yard setbacks meet the requirements. Per regulations, the rear yard setback shall be no less than 50'. The proposed rear yard setback is more than 50' and therefore meets the rear yard setback requirement.

Per regulations, lot coverage can be no more than 35%. The proposed lot coverage is not indicated on the plans. While Staff finds it likely the project meets the lot coverage requirement, Staff recommends the proposed lot coverage is indicated on the plans. Staff would note that FAR is not reviewed in this subarea.

Landscape Changes

The Applicant is proposing several landscape changes at the rear of the house including a limestone terrace, low stucco walls, numerous planting beds, evergreen screening and a centralized water feature. Given the change in the topography and the lack of landscaping, Staff finds the proposed plan is appropriate, compatible with the architecture of the principal structure and will make addition to the property. The Applicant is proposing to install a new concrete driveway with a rolled curb. Staff has no concerns regarding the replacement of the existing driveway.

The Commission reviews alterations to any structure within the district, whether or not said alterations can be seen from the public right-of-way

Accessory Structures

Notwithstanding the concerns regarding the demolition, Staff finds the overall design of the proposed accessory structure is similar to the existing structure. In general, Staff finds the design, materials,

height and massing of the proposed accessory structure is appropriate. While the architectural details do not mimic the principal structure, the roof form helps connect the two buildings architecturally. Staff finds the proposed accessory structure provides additional space while allowing the principal structure to remain the dominant feature. Staff has no concerns regarding the design of the new accessory structure.

The Applicant is proposing repairs to the existing shed. The extent of the repairs is not clear. Staff recommends the Applicant detail the proposed repairs. The Applicant is proposing to replace the existing fiberglass door with a new wood door. Staff has no concerns regarding the replacement of the existing doors with new wood doors.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.006.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-14-102) for demolition of an accessory structure, the construction of a new accessory structure, and site work at **848 Springdale Road**– Property is zoned Druid Hills Historic District, with the following condition:

1. The Applicant shall provide documentation regarding alterations to the existing accessory structure, per Section 16-20B.003(5);
2. The Applicant shall provide information regarding the remaining historic fabric on the existing accessory structure, per Section 16-20B.003(5);
3. The lot coverage shall be indicated on the plans, per Section 16-20B.006(4).
4. The Applicant shall provide detail regarding the proposed repairs, per Section 16-20B.003(5); and
5. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 23, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-14-105) for a subdivision at **962 Boulevard (aka 0 Robinson Avenue)** -Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Michael Dryden
398 Grant Park Place

Facts: According to the Grant Park Inventory sheet this single-family house was built in 1913 and is considered contributing. It faces Boulevard and is located in the southwest corner of the lot.

In July, 2013 an application was filed by a different application for the same subdivision. After several deferrals by the Commission due to a lack of new information being submitted by the then Applicant, the application was denied without prejudice.

The application before the Commission at this time is to subdivide the property leaving one lot facing Boulevard (with the existing, contributing house in the southwest corner) and one lot facing Robinson.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any

contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

- c. Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

According to the site plan submitted, the lot fronts 108.50' on Boulevard and has a depth of 188.70' on Robinson. In looking at the City of Atlanta cadastral map, the lot fronts 110' on Boulevard and has a depth of 190' on Robinson. Staff suggests the Applicant work with the Office of Planning subdivision Staff to resolve the lot dimension discrepancy.

The Applicant is proposing to subdivide an existing lot into two lots. Per the underlying R-5 zoning, the resulting lots would have to have a minimum of 50' of frontage and no less than 7,500 square feet. The first proposed lot will front 108.50' on Boulevard and have a depth of 118.70' on Robinson, with a total of 12,927 square feet. Staff finds the first lot meets the frontage and square footage requirements for standard R-5 zoning. The second proposed lot will front 70' on Robinson and have a depth of 109.80' on its longest side, with a total square footage of 7,669 square feet. Staff finds the second lot meets the standard R-5 lot requirements.

The Grant Park Historic District regulations require the resulting lots from a subdivision "to conform to the historic platting of the district in regards to lot size, dimension and configuration." In looking at the district as a whole, Staff finds that most lots have between 50-70 feet of frontage and have a depth between 140-200 feet. There are of course many different sized lots in between. In particular, there are a group of smaller lots in the northern part of the district near Woodward and Grant, Woodward and Cherokee, Woodward east of Boulevard, and a block face on the western boundary of the District on Woodson with smaller lots.

The Applicant provided an analysis that noted there are 406 lots in the District with depths less than 110 ft. deep or a depth similar to what is proposed for both the Boulevard and Robinson facing lots. This analysis also corresponds with the Staff's assessment of where the largest groups of smaller lots are in the District. While the Staff does not dispute the Applicant's figure, it would note that looking at the map highlighted by the Applicant, many of those lots are also much thinner than the subject properties such that their width to depth ratio is similar to the larger / deeper lots in the District. While Staff finds there are smaller and lots that are squarer in proportion in the District, the Staff finds these lots are still exceptions to the overall pattern.

The Staff reviewed the Sanborn Fire Insurance Map to learn what the in question looked like historically. According to the Sanborn maps, the subject lot was once two lots. The existing house was on one lot facing Boulevard and the corner lot (also facing Boulevard) was vacant. There was not a “rear” lot facing Robinson Avenue.

While the Staff finds that there are some lots with similar proportions to the proposed lots, the Staff also finds that the proposed lots are not consistent with the predominant pattern of lots in the District in regards to depth, shape, and proportions. The Staff further finds the proposed lot is not consistent with the depths of the lots on the block. The Staff also finds the proposed lot is not consistent with the historic platting pattern as shown on the Sanborn Maps. Given the information available at this time, the Staff cannot support the subdivision as currently proposed.

Staff Recommendation: Based upon the following:

1) The plans do meet the regulations with the exception of the comments noted above, per Section 16-20K.006(3);

Staff recommends denial of the application for a Type III Certificate of Appropriateness (CA3-14-105) for a subdivision at **962 Boulevard**-Property is zoned R-5/ Grant Park Historic District (Subarea 1).



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Director, Office of Planning

STAFF REPORT

March 26, 2014

REVISED

April 23, 2014

(Revised text shown in italic.)

Agenda Item: Review and comment (RC-14-081) on a text amendment (Z-14-009) on a revision to the **Martin Luther King, Jr. Landmark Historic District** regulations.

Applicant: Office of Planning
55 Trinity Avenue, SW

Facts: In 1989, the majority of the Sweet Auburn commercial corridor and much of the surrounding residential areas were rezoned to the Landmark District category of protection under the City's Historic Preservation Zoning Ordinance. This 1989 rezoning essentially continued the previous "zoning" of the District that occurred prior to 1989 under the City's pre-1989 historic preservation / zoning ordinance. The 1989 rezoning supplanted most of the then existing zoning, with the exception of several "transitional areas" near the edges of the District in which the District became an overlay zoning district with the then-existing zoning categories retained. There have been only a couple of substantive changes to the District regulations since 1989.

In August, 2010, the Staff launched an effort to update many of the City Landmark and Historic District regulations, some of which were over 15 years old. The neighborhood leadership, stakeholders, and interested parties in each respective district, in partnership with the Staff, developed proposed regulatory revisions that were discussed and reviewed at the community level.

In the case of this District, there has been extensive community engagement over the course of several years that included residential, commercial, and institutional property owners. This effort also involved Central Atlanta Progress, the National Park Service, local community development corporations, and business associations. The current rezoning application (Z-14-009) is based on this extensive community engagement. Given the comprehensiveness and depth of this engagement and the complexity of the land use, site planning, design, and street corridor issues in the District, the current proposal before the Commission is to completely replace the existing District regulations with a new set of regulations.

The community engagement process noted above is still on-going.

At the March 26, 2014 Commission hearing, the Commission deferred its review and comment with the anticipation of a second presentation on the proposal that would take into account additional revisions to the proposal generated from more community input and discussion. The revised proposal before the Commission at this time is the result of more community engagement and discussion, as well as additional review by the Staff.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:
 - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

In 2010, the Staff developed a set of principles or “framework” to be used for all of the proposed revisions to all of the Districts’ regulations. While some of these do not apply to the Martin Luther King, Jr. Landmark District (given the wholesale replacement proposed), they are useful to put the proposed District revisions into context:

- Add Staff-level / “administrative” reviews for all districts that currently do not have them. The addition of administrative reviews will save customers time and money while freeing up Staff time to work on more complicated reviews.
- Amend existing language to clarify the intent of the regulations. There are instances where the apparent intent of the regulations is not carried out in the specific language / text of the regulations.
- Address general concerns / ambiguities / oversights in individual districts. There are examples of regulation sections that do not address all the pertinent issues for that topic.
- Do not add more substantive requirements or significant new topics to the regulations, expand the scope of the regulations, or add or delete any geography to the districts.
- Create more uniform requirements among similar districts, including but not limited to the following:
 - Staff review of independent driveways not connected to a public street.
 - Staff review of the replacement of non-original / non-historic or missing elements that otherwise meet the regulations (i.e. siding, windows, porch railings, porch columns, porch flooring, exterior doors, etc.).
 - Staff review of the use of synthetic roofing materials when not visually distinguishable from the original.
 - Clarification of language regarding energy generating devices (solar panels, wind turbines, etc.) if currently missing.

The stakeholders noted above found that significant portions of the current regulations did not always have the desired effect regarding new construction, additions, renovations, etc. In the last several years, various stakeholders have been interested in revising and/or adding language to its existing regulations. The Staff has been working closely with the various stakeholders to identify changes that would help better preserve the historic integrity of the District while also encouraging compatible new construction, additions and alterations. Given the land use, site planning, design, and street corridor issues in the District this has lead to the decision to completely replace the existing regulations with a new set of regulations. In general, the Staff and the stakeholders want to create regulations that are more clear and

consistent, as well as reflect the City's current approach to urban design, pedestrian activity, and in-fill development.

In summary, the current proposal before the Commission at this time includes the following significant changes from the existing regulations (organized by regulation topic):

Statement of Intent

- The Statement of Intent is updated to reflect goals and priorities related to historic development patterns, economic development, neighborhood revitalization, pedestrian safety, affordable and equitable housing; and transit.

District Boundaries

- The Auburn and Edgewood Commercial Subareas have been merged into a single consolidated commercial subarea.

General regulations

- The Secretary of the Interior's Standards for Rehabilitation are listed in the district text as opposed to the current structure which only references these standards.
- Compatibility Rule is revised to incorporate "no smaller than the smallest or larger than the largest" application.
- Grade level for Subarea 1 and 2 is defined as the current height of the lot as measured at the front yard adjacent to the public sidewalk.
- Certificates of Appropriateness reflect what has been incorporated into other/newer Landmark Districts.
- Contributing Buildings List is incorporated to delineate contributing structures for the entire district, with the ability for the list to be periodically updated for errors or revisions.
- The criteria for financial hardship exemptions has been expanded and updated.
- Lot Consolidations and Subdivisions provide greater specificity to ensure lots are in keeping with the historic pattern of the district.

Permitted Principal Uses and Structures

- Subarea 2 permits limited non-residential uses along Boulevard and Irwin.
- Drive-in and Drive-through uses are prohibited.
- Park-for-hire surface parking lots permitted only by Special Use Permit, for a 2-year time limit and only with an Area Parking Analysis documenting the need for such use.
- Places of Worship are treated similarly to other uses of assembly – the minimum acreage requirement is removed.
- Accessory uses and structures in Subareas 1 and 2 provide greater specificity into the permissible building envelope for these uses.

Lot Controls and Building Heights

- Maximum building heights are established for portions of Subareas 1 and 2 with little contributing building stock.
- Maximum building heights are established for Subareas 3 and 4 at 1.5 times the height permitted by the compatibility rule, with a total maximum height allowed of 55 feet.

Sidewalks, Yards and Open Space

- Open Space required only for multi-family in the amount equal to 5% of total floor area.
- Yard standards are established for portions of Subareas 1 and 2 with little contributing building stock, and for the frontage along Irwin Street and Boulevard.

Design Standards

- Façades, fenestration, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details are regulated by the compatibility rule.
- Dumpsters, loading and mechanical features are required to be screened.
- Replacement materials are recommended to allow cementitious siding and simulated divided light windows or plain sash windows in Subareas 1 and 2.
- Retaining walls are permitted on block faces based on the compatibility rule.
- Active uses are required on the ground floor of all buildings and parking structures.

Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts

- Bicycle parking is required for uses other than single-family.
- Minimum automobile parking requirements are not required but maximum automobile parking requirements are required.
- Park-for-hire surface parking lots must be located at least 65 feet away from public streets.
- Curb cuts and driveways are restricted on Edgewood, Auburn, Boulevard and Piedmont.

Signage

- Freestanding signs, monument signs and large screen video display signs are prohibited.
- Signs must be designed to be compatible with the historic character of the historic structures within the district.

While the Staff finds that the proposed regulations accomplish the goals of the neighborhood and the Staff, the community engagement process is still on-going. As such, the Staff anticipates additional revisions to the proposal in the next month or so. Therefore, while the Commission can and should provide some comments at this time, the Staff would recommend that the application be deferred until such time as the final proposal is ready for the Commission's final Review and Comment action.

As noted above, since the March 26, 2014 Commission meeting, there has been revisions to the proposal. The revisions to the proposal since March 26, 2014 can be summarized as follows (organized by the current regulatory sections and structure):

Sec. 16-20C.004(2) The Compatibility Rule

- *Revised the compatibility rule to enable an entire block to be utilized for purposes of establishing compatible elements for Subareas 3 and 4. Further provided greater definition for what a "block" is.*

Sec. 16-20C.004(3) Certificates of Appropriateness

- *Removed reference to visibility from a public street for Type II Certificates that are reviewable by the Director.*
- *Corrected the section reference in (b)(ii)(2).*

Sec. 16-20C.004(4) Contributed Buildings List

- *Further detail added in subsection (b) specifying criteria for how the Director is document and notify impacted property owners when the Contributed Buildings List is updated.*

Sec. 16-20C.004(6) Financial Hardship Exemptions

- *Revised subsection (c)(ii)(3) to provide for a comparison between the estimated cost of construction in the district with and without the district regulations.*

Sec. 16-20C.005(1) Permitted Principal Uses and Structures

- *Revised the wording in subsection (d) to clarify the application for nonconforming uses.*
- *Removed the prohibition of unenclosed commercial sales and services in subsection (e).*

Sec. 16-20C.005(2) Permitted Uses in Subareas 1 and 2

- *Revised measurements in subsection (c) to be delineated to the center-line of the street as opposed to the street curb.*

Sec. 16-20C.005(3) Financial Hardship Exemptions

- *Added detail to subsection (c)(iii) that requires for all accessory park-for-hire infrastructure to be removed whenever the permit for such use has expired.*
- *Add a provision in subsection (d)(iii) to clarify the application towards collocations and modifications to existing antennas.*

Sec. 16-20C.006(2) Lot Controls and Building Heights

- *Revised the allowable building heights in subsection (i) to allow for buildings up to 68 feet in height west of Interstate 75/85 in Subareas 3 and 4.*
- *Added a new provision clarifying that building heights are further subject to the design standards of the district.*

Sec. 16-20C.007(1) Required Open Space

- *Deleted the reference to utilizing gross lot area when calculating Usable Open Space.*

Sec. 16-20C.008(2) Design Standards in Subareas 1 and 2

- *Added greater detail subsection (a)(i) and (c)(i) related to replacement materials that provides clarification that the replacement must be warranted.*
- *Added notation in subsection (d)(i) allowing hog wire style fencing.*

The Staff would recommend support for the proposed revisions to the District regulations given that the proposed revisions:

- 1. Are based on a substantial amount of community, property owner, and stakeholder input;*
- 2. Clarify of many aspects of the regulations allowing for more “up-front” understanding of the requirements by property owners and potential applicants, including site plan, façade, material, and accessory structure requirements;*
- 3. Incorporate the City’s current thinking on streetscape, pedestrian movement, and urban design;*
- 4. Include more specific design requirements adding depth and breadth Secretary of Interior Standards for Rehabilitation, which are only referred to in the current District regulations;*

5. *Add an administrative review process allowing the Commission and Staff to focus its public hearing-related work and analysis on more substantial proposals and changes to the District while at the same time requiring review of more routine or simpler requests by the Director;*
6. *Re-focus the regulations on design-based criteria, rather than ratios and averages;*
7. *Acknowledge the urban, mixed use character of the two major commercial corridors in the District (Auburn Avenue and Edgewood Avenue) by eliminating unnecessary transitional requirements, aligning uses, and restricting parking options;*
8. *Support the re-establishment of previously existing neighborhood character through the use of archival materials;*
9. *Differentiate between contributing and non-contributing buildings in relation to the District period of significance and statement of intent; and*
10. *Provide for more flexibility for signage reflecting the wide variety of signage associated with different eras of development in the District and at the same time address newer sign types. .*

Staff Recommendation: *Staff recommends that a letter of support and comments regarding Review and comment (RC-14-081) on a text amendment (Z-14-009) to the **Martin Luther King, Jr. Landmark Historic District** regulations be sent to the appropriate Office of Planning Staff and Zoning Review Board.*



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STAFF REPORT

April 9, 2014

Updated

April 23, 2014

(updated information in italics)

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-14-068) for an addition and renovations at **1102 Lawton Place**-Property is zoned R-4A/West End Historic District.

Applicant: Alicia Hunter
115 West Peachtree Place

Facts: According to the Fulton County Tax records available online, this single family dwelling was constructed in 1920.

At the April 9, 2014 meeting, this application was deferred to allow the Applicant time to address the concerns of Staff and the Commission.

Analysis: The following code sections apply to this application:

Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the West End Historic District.

(1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:

(a) *When required:*

(i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;

(b) *Type required:*

(i) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (type II), major alterations (type III) and demolitions (type IV, except partial demolitions) as set forth in chapter 20 of this part 16.

(2) *The Compatibility Rule:* The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings

of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

Sec. 16-20G.006. - Specific regulations.

In addition to the general regulations set forth in section 16-20G.005, and any other applicable regulations, the following regulations shall apply to all rehabilitations, new construction, alterations, and other changes:

(1) *Generally*: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.

(2) Building Façades:

(a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.

(b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.

(c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.

(d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.

(e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.

(g) No structure shall exceed that height established by the compatibility rule.

(9) Porches:

(a) Architecturally significant porches, including their component features, steps and stoops shall be retained.

(b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.

(c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.

(d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.

Site

The Applicant did not submit a site plan. As such, Staff cannot determine whether the project meets the setback, lot coverage and floor area ratio requirements. Additionally, Staff cannot determine whether the dimensions of the lot match the City records. Staff recommends the Applicant submit an appropriately scaled site plan. Staff recommends the Applicant provide documentation the project meets the setback, lot coverage and floor area ratio requirements.

In an updated submittal, the Applicant provided a properly scaled site plan. The lot in question fronts 40' on Lawton Place and has a depth of 50'. While the size of the lot matches the City records, the location of the house on the lot appears to be different in comparison to the GIS map available online. Given the size of the lot, the location of the house and the setback requirement, it is important to confirm the exact location of the house on the lot. Staff recommends the Applicant clarify whether the site plan is based on a survey. In looking at the site plan, a portion of the existing house appears to be in the alley. Staff would note that no portion of the new roof alteration or addition can be located in the alley. Staff recommends that no portion of the alterations and additions be located in the alley.

Per underlying zoning, the side yard shall be no less than 7'. It appears the side yard setback requirement has been met. Per underlying zoning, the rear yard shall be no less than 15'. Staff finds that the new roof addition at the rear of the house does not meet the rear yard setback requirement. Staff recommends the Applicant either redesign the project to meet the setback requirements or the Applicant shall apply for a variance to be heard by the Board of Zoning Adjustment.

The Applicant is proposing to install new stairs and a railing on the front of the house. Staff would note that the new stairs and railing must meet the front yard setback requirement. Per regulations, the front yard setback is based on the compatibility rule. Staff recommends the Applicant provide documentation the front yard setback has been met.

Per underlying zoning, the maximum floor area ratio (FAR) allowed is the lesser of 3750 sq. ft. or .65 of the net lot area. The plans indicate the FAR is 40% however the actual calculations are not indicated. Staff would note that the maximum FAR allowed is 1300 sq. ft. Staff recommends the Applicant provide documentation the projects meets the FAR requirement. Staff would note that FAR cannot be varied. The maximum lot coverage allowed is 55%. The proposed lot coverage is 40% and therefore meets the requirements.

Alterations

As this is an interior lot, Staff finds only the front a side facades are visible from the street. As such, Staff will only make comments regarding the front and side facades.

The Applicant is proposing to alter the existing roof in order to accommodate additional living space in the attic area. In general, Staff finds the overall shape, height of the ridgeline and design of the roof alteration and addition is not consistent or compatible with the existing historic house. Staff finds there are likely more appropriate design solutions that will allow for some additional living space in the attic area while being consistent and compatible with the architecture of the existing house. Staff recommends the proposal is redesigned so that the design of the addition and roof alteration is consistent and compatible with the architecture of the existing house. Staff recommends the proposed ridgeline is no taller than the existing ridgeline.

In updated plans the ridgeline is no longer taller than the existing ridgeline. Staff finds that the overall shape and design of the roof alteration and addition has not changed and therefore is still not consistent or compatible with the historic house. Staff still finds there are likely more appropriate design solutions. One such solution is to keep the existing roof form and add a dormer that is inset from the sides on the rear.

The Applicant is proposing to install a new railing and stair on the front of the property. There are existing stairs, however the material is not clear. Staff recommends the Applicant clarify the

material and condition of the existing stairs on the front elevation. Staff recommends the Applicant provide documentation the front stair and railing material meets the requirements. Per regulations, the railing shall be no taller than 33" above the porch. Staff finds the proposed railing does not meet the height requirement. Staff recommends the front railing meet the height requirement.

The rear elevation indicates the rear stoop will be repaired. In looking at pictures of the existing conditions, the stair railing design and material appears different than the existing conditions. As this will not be visible from the public right-of-way, Staff will not comment on the design. The main concern is whether the stairs and railing are actually being repaired or replaced. This is important to know as the replacement of the stairs and railing would require a setback variance. Staff recommends the Applicant provide details regarding the rear stair and railing repair.

Staff Recommendation: Based upon the following:

- a) The plans minimally meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends deferral of the Application for Type III Certificate of Appropriateness (CA3-14-068) for an addition and renovations at **1102 Lawton Place**-Property is zoned R-4A/West End Historic District, to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall clarify whether the site plan is based on a survey;
2. No portion of the alterations and additions shall be located in the alley;
3. The Applicant shall either redesign the project to meet the setback requirements or the Applicant shall apply for a variance to be heard by the Board of Zoning Adjustment, per Section 16-06A.008(3);
4. The Applicant shall provide documentation the front yard setback has been met, per Section 16-20G.006(20(b));
5. The Applicant shall provide documentation the projects meets the FAR requirement, per Section 16-06A.008(50(b));
6. The proposal shall be redesigned so that the design of the addition and roof alteration is consistent and compatible with the architecture of the existing house, per Section 16-20.009;
7. The Applicant shall clarify the material and condition of the existing stairs on the front elevation;
8. The Applicant shall provide documentation the front stair and railing material meets the requirements, per Section 16-20G.006(9)(d);
9. The front railing shall meet the height requirement, per Section 16-20G.006(9)(d);
10. The Applicant shall provide details regarding the rear stair and railing repair; and
11. All updated plans and materials shall be submitted to Staff no later than eight days before the meeting to which the application is deferred.



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Director, Office of Planning

STAFF REPORT **April 23, 2014**

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-078) for alterations to existing signage at **781 Peachtree Street (St. Marks United Methodist Church)**- Property is zoned SPI-16 (Subarea 1)/ LBS.

Applicant: Peter Pankiewicz
1054 Glenwood Avenue

Facts: St. Marks United Methodist Church was designated as a Landmark Building in 1989.

At the April 9, 2014 meeting, this application was deferred to allow the Applicant time to address the concerns of Staff.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (1) *Landmark buildings and sites:*
 - (a) To change the exterior appearance of any Landmark Building or Site;

Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, for purposes and objectives contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic regulations as are required in article D of chapter 4 or part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the buildings, structure or site would be unimpaired.

Sec. 16-28A.007. General regulations.

The following general regulations shall apply to all signs located in the city:

(v) *Additional Standards for Signs in Landmark and Historic Areas:* In determining the appropriateness or location of new signs proposed to be placed within the boundaries of any landmark building and site, historic building and site or any property within a landmark district or historic district, the urban design commission shall apply the following criteria in addition to the applicable criteria for certificates of appropriateness specified in chapter 20 of this part 16:

- (1) The size, scale and design of the sign shall be compatible with the size, scale and design of the property, building or site upon which it is to be located.
- (2) The sign's materials shall be compatible with the period and style of the property, building or site.
- (3) The sign's location shall not obscure any significant architectural features of the building or site.
- (4) The sign's installation shall not irreparably damage any cornice, ornament or similar architectural detail and shall be the least damaging method feasible for the property, building or site.
- (5) The content of the message to be conveyed shall not be considered.
- (6) Whenever in these regulations a certificate of appropriateness is required for a sign, the certificate shall be granted or denied within 30 days from the filing of the initial application. If the certificate is not granted or denied within that time period, the applicant may proceed as if the certificate had been granted. Provided, however, if the commission subsequently takes action on the certificate, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.
- (7) Any appeal from any decision made on the issuance or denial of a certificate shall be granted or denied within 60 days of the initial filing of the appeal. If the appeal is not granted or denied within this time period, the applicant may proceed as if the appeal was decided in his favor. Provided, however, if action is subsequently taken on the appeal, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.

Sec. 16-28A.010. District regulations.

(37) *SPI 16 Midtown District.* The following signs shall be permitted in the SPI 16 Midtown District:

- a. The regulations for SPI 16 Midtown District section 16-18P.028 (Specific regulations for subarea 1: Midtown Commercial) shall be the same as the regulations in subsection (6) C-2 (Commercial Service) District, provided that:
 - i. No freestanding signs shall be permitted.
 - ii. No shopping center signs shall be permitted.
- b. The regulations for SPI 16 Midtown District section 16-18P.029 (Specific regulations for subarea 2: Midtown Residential) and SPI 16 Midtown District section 16-18P.030 (Specific regulations for subarea 3: Juniper East) shall be the same as the regulations in subsection (3) RLC (Residential Limited Commercial) District, provided that:
 - i. No freestanding signs shall be permitted.
 - ii. No shopping center signs shall be permitted.
 - iii. Signs may be located as near to the street property line as the nearest building.

(6) C-2 (Commercial Service) District. The following signs shall be permitted in the C-2 (Commercial service) district:

- a. *Number and Area of Building Business Identification Signs:* Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. A maximum of three (3) building business identification signs shall be permitted for each business establishment. The combined area of these permitted building business identification signs shall not exceed 10 percent of the total area of the front wall of each said business establishment, and in no case shall any individual sign exceed 200 square feet. Notwithstanding these provisions, every business establishment shall be entitled to at least 60 square feet total combined sign area.
- b. *Building Signs on Corner Lots:* For corner lots, one (1) additional building business identification sign for the business establishment occupying the corner space shall be permitted, provided it is oriented toward the additional street frontage. The total area of said sign shall not exceed 10 percent of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.
- c. *Freestanding Signs:* In addition to the building business identification signs permitted in subsections a. and b. above, one (1) freestanding business identification sign shall be permitted for each lot. On interior lots, said freestanding sign shall

not exceed 60 square feet in sign area when located in the required front yard setback. If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of one (1) additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area. On corner lots, said freestanding sign shall not exceed 90 square feet in sign area when located in the required front yard setback. If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of one (1) additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.

e. *Height of Signs*: No freestanding business identification sign shall exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure whichever is greater.

f. *Animated, Flashing or Changing Signs Prohibited*: No animated, flashing or changing signs shall be permitted.

The Applicant is proposing replace the existing monument sign with a new monument sign on an existing granite base. Staff initially had concerns regarding the installation of the new sign because monument signs are not allowed in this zoning category. In speaking with the Office of Buildings Staff, the first issue that needed to be resolved was whether the existing sign was properly permitted. The Office of Buildings confirmed the existing sign is properly permitted. The Office of Buildings Staff noted that once the existing sign is removed, the Applicant can install a new monument sign as long as it is no larger than the existing monument sign.

Staff finds the existing sign is not historic, therefore Staff has no concerns with the proposed replacement. Staff would note that the proposed sign is very similar to the existing sign in regards to design and materials. The main difference between the existing and proposed sign is the addition of internal illumination and an LED display area. Per underlying zoning, animated, flashing and changing signs are not allowed. According to the Applicant, the proposed sign is not considered a changing sign because it does not change more than once within a 24 hour period.

In general, Staff has no concerns regarding the design and material for the proposed sign. Staff would note that the proposed sign is larger than the existing sign and therefore does not meet the requirements in regards to non-conforming signs. Staff recommends the proposed sign is no larger than the existing sign. As this is in a Special Interest District (SPI), Staff recommends any changes necessitated by the SPI review be approved by Staff.

Staff Recommendation: Based upon the following:

(1) The proposed signs meet the regulations, per Section 16-28.010(6) and (37), with the exceptions noted above;

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-14-078) for alterations to existing signage at **781 Peachtree Street (St. Marks United Methodist Church)**- Property is zoned SPI-16 (Subarea 1)/ LBS, with the following conditions:

- 1) The proposed sign shall be no larger than the existing sign;
- 2) Any changes necessitated by the SPI review shall be approved by Staff; and
- 3) Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 22, 2014

REVISED

April 23, 2014

(Revised text shown in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce the rear yard setback from 10' (required) to 7' (proposed) and (CA3-13-349) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, somewhat rectangular lot that is located on the west side of Airline Street, just south of the corner with Auburn Avenue. This is one of the last properties in the east side of the District. Along the northern side of Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. Immediately to the north along the south side of Auburn Avenue is a modern / contemporary house recently finished and next to that is the only contributing house on the Auburn Avenue south block face.

At the January 22, 2014 public hearing, the Commission deferred this application to allow time for the Applicant to address the Staff's concerns and comments. On April 15, 2014 the Applicant submitted a revised proposal, including a request to further reduce the rear yard setback from 10 ft. to 5 ft. 9 in. instead of from 10 ft. to 7 ft. The Staff would note that while it permits Applicants to submit revisions to plans for deferred applications eight (8) days before the Commission meeting to which the Applicant was deferred, new variance requests must be properly advertized, which includes completing revised public notice work at least 15 days before the Commission meeting at which the revised variance request will be heard.

The revised submission is the subject of this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness

shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark Districts:

- b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

- (1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.
- (3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.
- (4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
- (5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."
- (8) Secretary's guidelines: In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
- (11) Off-street parking:
 - a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
 - b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) Permitted principal uses:

- a. Single-family dwellings.

(3) Development controls:

- a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.
- b. Maximum height: The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce the rear yard setback from 10' (required) to 7' (proposed).

The Staff does not concur with the Applicant's variance argument. While there are certainly lots in the District that are similar in size, if the rear yard setback were kept at the required 10', only a small portion of the house would be effected. Given that there is some room along the south side of the house for some additional square footage, almost the same size house could be built without needing a variance.

The Staff would recommend denial of the rear yard setback request.

As noted above, the Applicant has requested an additional reduction in the rear yard setback from 7 ft. to 5 ft. 9 in. Apart from the fact that the application for such a variance has not been advertized by the Staff for proper review before the Commission, the Staff still does not find that the variance criteria for a reduction in the rear yard setback has been met. While it agrees that the lot is somewhat unusually shaped with an angled rear lot line, the revised submission still shows a house for which a 10 ft. rear yard setback would only affect a small portion of the southwest corner of the house. Further, the additional reduction requested is for an "optional" cantilevered portion of the second floor. Again,

notwithstanding the Staff view that the variance criteria have not been met, the Staff also does not find at this time that a cantilevered portion of a second floor meets the District regulations.

The Staff would retain its recommendation of denial for the request to reduce the rear yard setback.

Compatibility Rule Comparisons

The block face of Airline Street where the proposed house would be located does not have any existing contributing houses on it. As such, the Applicant is permitted to choose another block face for their point of comparison. The Applicant has chosen the south block face of Auburn Avenue between Airline Street and Randolph Street. The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

The Applicant has proposed the use of another block face (540 – 550 Auburn Avenue) nearby with three relatively small lots that have double frontage, including a roughly triangular shaped lot at Auburn Avenue and Old Wheat Street. This block face is relatively similar to the block face where the subject property is located. Further, the Staff would concur that with one point of comparison on the previously selected alternative block face, the resulting house would have to look essentially the same as the one contributing house, resulting in a somewhat repetitive architectural pattern.

The Staff would support the use of the 540 – 550 Auburn Avenue block face for comparison purposes.

However, the Staff does have a concern about the measurement of the front yard setback as it is not clear to where the front yard setback is measured on the comparison houses. The Staff would recommend the Applicant confirm their technique for measuring the front yard setback.

Site

The lot in question fronts about 45' on Airline Street and is about 43' deep on the south property line and 56' deep on the north property line. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed house has an inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'.

Notwithstanding the Staff's comments about the measurement technique, the new block for comparison purposes produces an average front yard setback (including the 5% differential) of 5.13 ft. The Staff would recommend the front yard setback reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed.

The proposed driveway / parking pad is located on the south side of the house. It extends about 10' past the front façade of the house. To avoid parking in the front yard, which is not permitted by the District regulations, the Staff recommends the driveway extend at least 20' past the front façade of the house.

The revised site plan does not address the Staff's concern about the driveway. It would retain its previous recommendation.

There is not walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extent from the front porch stairs to the public sidewalk.

The revised site plan does not address the Staff's concern about the front walkway. It would retain its previous recommendation.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

There are no fences or walls proposed for the property.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is about 5' higher than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

The new block for comparison purposes produces an average building height (including the 10% differential) of 30 ft. 1.5". The revised submission noted a total building height of 29 ft. 7 in., which meets the compatibility rule.

Overall Design and Massing

As noted above, the block selected features one contributing house, which is a one-story, hipped roof bungalow. The proposed two story house has a hipped roof, with two small dormers (one facing the side and one facing the rear), and a full width, two-level front porch. Notwithstanding the non-compliant height noted above, the Staff finds that architecturally the proposed house has the full width front porch and hipped roof form in common with the house at 603 Auburn Avenue.

Given the new block for comparison purposes, the Applicant's narrative notes the "varied architectural styles" on the comparison block.

The Staff finds the revised elevations significantly different from the previous elevations, including a side to side gable, with a rear facing gable, a front facing bayed portion of the house with its own accent gable and a partial-width front porch. The Staff does find that the proposed design uses elements from different homes on the comparison block face. The bay is found on #550, while the partial front porch is found on #546, though #546 has a much larger partial front porch proportional to its gabled ell form. The side to side gable is found on #540 and #546. The Staff is concerned, though, that the mixing of the overall elements of design and massing results in a house that isn't cohesive in its design and isn't similar enough to one of the of the houses on the block face so as to meet the District regulations. The Staff would recommend the overall design and massing of the house more closely follow one of the houses on the comparison block face.

Architectural Elements

In looking at the doors, windows, siding, trim, and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of closed end to the brick stairs. The Staff would recommend that the front stairs have closed ends.

Notwithstanding its concerns about the overall design and massing of the house, the design of the individual elements on the revised design (such as the doors, windows, siding, trim, front porch stairs, columns, and chimney) meet the District regulations.

The Staff is also concerned about the lack of windows on the right side elevation and the size of the windows that are included both of which create large sections of blank wall which is not compatible with the contributing house on the block face and the District in general. In addition, the Staff is concerned about the windows and doors on the front façade. In particular, the Staff finds that the two very small, square windows and French doors on the second level are not compatible with 603 Auburn Avenue or the District as a whole. It is also not clear what type and size light divisions might or might not be proposed for the front façade windows. Lastly, the rear façade, paired windows do not include trim between the window units. The Staff would recommend that the number of windows, their size, light divisions, trim, and their spacing be revised to be consistent and compatible with the contributing house on the block.

Notwithstanding its concerns about the overall design and massing of the house, the Staff is still concerned about the lack of windows on the right side elevation.

The Staff would retain its previous recommendation regarding the windows.

The Staff would further recommend that the French doors to the second level porch be removed from the design.

The French doors have been removed from the proposed design.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, cementitious siding, stucco foundation, and a stucco chimney are compatible with the District. However, it is not clear the material of the front door, front porch floor, and finish of the siding. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

The Staff would retain its previous recommendation about the materials.

Lastly, the Staff would note that no left side elevation was included in the submission. The Staff would recommend that a left side elevation be submitted to the Staff for review.

A left elevation was included in the revised submission.

CA3-13-348

Staff Recommendations: Based upon the following:

- a) The variance request does not meet the requirements, per Section 16-20C.003, .004. and .005;

Staff recommends denial of an Application for a Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce rear yard setback from 10' (required) to 7' (proposed) at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

CA3-13-347

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the substantial exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends deferral of an application for a Type III Certificates of Appropriateness (CA3-13-350) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline to allow time for the Applicant to address the following concerns:

1. *The Applicant shall confirm their technique for measuring the front yard setback, per Section 16-20C.005(3);*
2. *The front yard setback shall reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed, per Section 16-20C.005(3)(a);*
3. The driveway shall extend at least 20' past the front façade of the house, per Section 16-20C.003(11);
4. A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.009(6);
5. *The overall design and massing of the house shall more closely follow one of the houses on the comparison block face, per Section 16-20.009(6);*
6. The number of windows, their size, light divisions, trim, and their spacing shall be revised to be consistent and compatible with the contributing house on the block, per Section 16-20.009(6);
7. The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20.009(6); and
8. The Applicant shall provide to the Staff revised plans and supporting documentation at least eight (8) days prior the Commission meeting to which this application is deferred.

